

**CLAIM AMENDMENTS**

- 1-3. (Canceled)
4. (Previously presented): An antibody or fragment thereof that specifically binds to a protein having at least 90% sequence identity to SEQ ID NO.: 2570.
5. (Previously presented): The antibody or fragment thereof of claim 4, wherein the antibody is a monoclonal antibody.
6. (Previously presented): The antibody or fragment thereof of claim 5, wherein the monoclonal antibody is recombinantly produced.
7. (Previously presented): The antibody or fragment thereof of claim 4, wherein the antibody or fragment thereof is labeled with a detectable marker.
8. (Canceled)
9. (Previously presented): The antibody or fragment thereof of claim 4, wherein the fragment thereof is selected from the group consisting of Fab, F(ab')<sub>2</sub>, Fv and sFv.
10. (Previously presented): The antibody or fragment thereof of claim 4, wherein the antibody is a human antibody, a humanized antibody or a chimeric antibody.
11. (Previously presented): A non-human transgenic animal that produces an antibody that specifically binds to a protein having at least 90% homology to SEQ ID NO.: 2570.
12. (Previously presented): A hybridoma that produces an antibody that specifically binds to a protein having at least 90% homology to SEQ ID NO.: 2570.

13. (Previously presented): The antibody or fragment thereof of claim 6, wherein the monoclonal antibody is a single chain monoclonal antibody.

14. (Canceled)

15. (Withdrawn): A method of delivering an agent to a cell that expresses 108P5H8, comprising:

providing the agent conjugated to an antibody or fragment thereof that specifically binds to a protein having at least 90% homology to SEQ ID NO.: 2570; and,  
exposing the cell to the antibody-agent or fragment-agent conjugate.

16-69. (Canceled)

70. (Withdrawn): An assay for detecting the presence of a protein having at least 90% homology to SEQ ID NO.: 2570 in a biological sample and a normal sample obtained from a patient who has or who is suspected of having cancer, comprising:

contacting the biological sample and the normal sample with an antibody or fragment thereof that specifically binds to a protein having at least 90% homology to SEQ ID NO.: 2570; and,

determining if the antibody binds to the biological sample or the normal sample, whereby binding indicates the presence of the protein.

71-77. (Canceled)

78. (Previously presented) The antibody or fragment thereof of claim 4, wherein the antibody or fragment is labeled with an agent.

79. (Previously presented) The antibody or fragment thereof of claim 78, wherein the agent is a diagnostic agent or a cytotoxic agent.

80. (Previously presented) The antibody or fragment thereof of claim 79, wherein the cytotoxic agent is selected from the group consisting of radioactive isotopes, chemotherapeutic agents and toxins.

81. (Currently amended) The antibody or fragment thereof of claim 80, wherein the radioactive isotope is selected from the group consisting of  $\text{At}^{211}$ ,  $\text{I}^{131}$ ,  $\text{I}^{125}$ ,  $\text{Y}^{90}$ ,  $\text{Re}^{186}$ ,  $\text{Re}^{188}$ ,  $\text{Sm}^{153}$ ,  $\text{Bi}^{212}$ ,  $\text{P}^{32}$ ,  $^{211}\text{At}$ ,  $^{131}\text{I}$ ,  $^{125}\text{I}$ ,  $^{90}\text{Y}$ ,  $^{186}\text{Re}$ ,  $^{188}\text{Re}$ ,  $^{153}\text{Sm}$ ,  $^{212}\text{Bi}$ ,  $^{32}\text{P}$  and radioactive isotopes of Lu.

82. (Previously presented) The antibody or fragment thereof of claim 80, wherein the chemotherapeutic agent is selected from the group consisting of taxol, actinomycin, mitomycin, etoposide, tenoposide, vincristine, vinblastine, colchicine, gelonin, and calicheamicin.

83. (Previously presented) The antibody or fragment thereof of claim 80, wherein the toxin is selected from the group consisting of diphtheria toxin, enomycin, phenomycin, Pseudomonas exotoxin (PE) A, PE40, abrin, abrin A chain, mitogellin, modeccin A chain, and alpha-sarcin.

84. (Withdrawn) The method of claim 15, wherein the agent is a diagnostic agent or a cytotoxic agent.

85. (Withdrawn) The method of claim 84, wherein the cytotoxic agent is selected from the group consisting of radioactive isotopes, chemotherapeutic agents and toxins.

86. (Withdrawn and currently amended) The method of claim 85, wherein the radioactive isotope is selected from the group consisting of  $\text{At}^{211}$ ,  $\text{I}^{131}$ ,  $\text{I}^{125}$ ,  $\text{Y}^{90}$ ,  $\text{Re}^{186}$ ,  $\text{Re}^{188}$ ,  $\text{Sm}^{153}$ ,  $\text{Bi}^{212}$ ,  $\text{P}^{32}$ ,  $^{211}\text{At}$ ,  $^{131}\text{I}$ ,  $^{125}\text{I}$ ,  $^{90}\text{Y}$ ,  $^{186}\text{Re}$ ,  $^{188}\text{Re}$ ,  $^{153}\text{Sm}$ ,  $^{212}\text{Bi}$ ,  $^{32}\text{P}$  and radioactive isotopes of Lu.

87. (Withdrawn) The method of claim 85, wherein the chemotherapeutic agent is selected from the group consisting of taxol, actinomycin, mitomycin, etoposide, tenoposide, vincristine, vinblastine, colchicine, gelonin, and calicheamicin.

88. (Withdrawn) The method of claim 85, wherein the toxin is selected from the group consisting of diphtheria toxin, enomycin, phenomycin, Pseudomonas exotoxin (PE) A, PE40, abrin, abrin A chain, mitogellin, modeccin A chain, and alpha-sarcin.